

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**NATALIE A. S.,**

**Plaintiff,**

**5:21-cv-24  
(GLS/DJS)**

**v.**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Olinsky Law Group  
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Syracuse, NY 13202

HOWARD D. OLINSKY, ESQ.

**FOR THE DEFENDANT:**

HON. CARLA B. FREEDMAN.  
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NATASHA OELTJEN  
Special Assistant U.S. Attorney

Anatoly Schnaider  
Regional Chief Counsel  
Office of Regional Counsel, Region III  
J.F.K. Federal Building, Room 625  
15 New Sudbury Street  
Boston, MA 02203

**Gary L. Sharpe  
Senior District Judge**

## **MEMORANDUM-DECISION AND ORDER**

### **I. Introduction**

Plaintiff Natalie A. S., challenges the Commissioner of Social Security's denial of Disability Insurance Benefits (DIB) seeking review under 42 U.S.C. § 405(g). (Compl., Dkt. No. 1.) In a Report-Recommendation and Order (R&R) issued May 13, 2022, Magistrate Judge Daniel J. Stewart recommended that Natalie's motion for judgment on the pleadings be denied, and the Commissioner's motion for judgment on the pleadings be granted. (Dkt. No. 18.) For the reasons set forth below, the court adopts the R&R, affirms the Commissioner's decision, and dismisses the complaint.

### **II. Background**

On March 23, 2018, Natalie applied for DIB. (Tr.<sup>1</sup> at 71, 150-152.) After her application was initially denied, (*id.* at 78-87), she requested a hearing before an Administrative Law Judge (ALJ), (*id.* at 88), which was held on August 30, 2019, (*id.* at 30-57). On February 10, 2020, the ALJ issued a decision denying the requested benefits, finding that Natalie was not disabled under the Social Security Act. (*Id.* 10-29.) On November 6,

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<sup>1</sup> Page references preceded by "Tr." are to the Administrative Transcript. (Dkt. No. 9.)

2020, the Appeals Council denied Natalie's request for review, making the ALJ's decision the Commissioner's final determination. (*Id.* at 1-6.)

Natalie commenced the present action on January 8, 2021, wherein she sought review of the Commissioner's determination. (Dkt. No. 1.) After receiving the parties' briefs, Judge Stewart issued an R&R recommending that the Commissioner's decision be affirmed. (Dkt. No. 18.)

### **III. Standard of Review**

By statute and rule, district courts are authorized to refer social security appeals to magistrate judges for proposed findings and recommendations as to disposition. See 28 U.S.C. § 636(b)(1)(A), (B); N.D.N.Y. L.R. 3.1, 72.3(d); General Order No. 18. Before entering final judgment, this court reviews report and recommendation orders in cases it has referred to a magistrate judge. If a party properly objects to a specific element of the magistrate judge's findings and recommendations, this court reviews those findings and recommendations *de novo*. See *Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at \*3, \*5 (N.D.N.Y. Jan. 18, 2006). In cases where no party has filed an objection, only vague or general objections are made, or a party resubmits the same papers and arguments already considered by the magistrate judge, this

court reviews the findings and recommendations of the magistrate judge for clear error. See *id.* at \*4-5.

#### **IV. Discussion**

Natalie's objections are two fold: she argues that (1) "the court should reject the Magistrate Judge's conclusion that the ALJ adequately evaluated Dr. Dhiman's opinion"; and (2) "the court should reject the Magistrate Judge's conclusion that the ALJ adequately evaluated plaintiff's subjective complaints." (Dkt. No. 19 at 1-4.) These objections are reiterations of arguments Natalie raised in her brief and were already considered by Magistrate Judge Stewart. (Dkt. No. 14 at 10-12, Dkt. No. 19 at 1-4.) While Natalie takes issue with how these arguments were resolved, she fails to point out any particular deficiency with the R&R itself. Thus, these objections are general and warrant review for clear error only. See *Almonte*, 2006 WL 149049, at \*4-5. Having carefully reviewed the R&R for clear error and finding none, it is adopted in its entirety.

#### **V. Conclusion**

**WHEREFORE**, for the foregoing reasons, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 18) is **ADOPTED** in its entirety; and it is further

**ORDERED** that Natalie's motion for judgment on the pleadings (Dkt. No. 14) is **DENIED**; and it is further

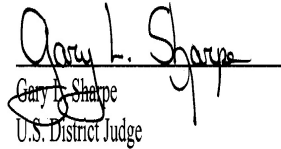
**ORDERED** that the Commissioner's motion for judgment on the pleadings (Dkt. No. 17) is **GRANTED**; and it is further

**ORDERED** that the decision of the Commissioner is **AFFIRMED** and Natalie's complaint (Dkt. No. 1) is **DISMISSED**; and it is further

**ORDERED** that the Clerk close this case and provide a copy of this Memorandum-Decision and Order to the parties.

**IT IS SO ORDERED.**

August 10, 2022  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge